

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

FLORENCE CAESAR,	:	CIVIL ACTION NO. 1:10-CV-202
Plaintiff	:	
	:	(Judge Conner)
v.	:	
	:	
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, et al.,	:	
Defendants	:	

ORDER

AND NOW, this 6th day of January, 2011, upon consideration of the Report and Recommendation of the Honorable J. Andrew Smyser (Doc. 32), recommending that the claims in the amended complaint as to all defendants be dismissed, except for the Eighth Amendment claim against defendant Shiptoski, and, following an independent review of the record, and noting that plaintiff filed a “Motion to Submit Objections” on December 16, 2010 (Doc. 39), and the court will construe said Motion (Doc. 39) as objections¹ to the Report, and the court finding Judge Smyser’s analysis to be thorough and well-reasoned, and the court finding plaintiffs’ objections to be without merit and squarely addressed by Judge Smyser’s report, it is hereby ORDERED that:

¹ Where objections to a magistrate judge’s report and recommendation are filed, the court must perform a *de novo* review of the contested portions of the report. Supinski v. United Parcel Serv., Civ. A. No. 06-0793, 2009 WL 113796, at *3 (M.D. Pa. Jan. 16, 2009) (citing Sample v. Diecks, 885 F.2d 1099, 1106 n. 3 (3d Cir. 1989); 28 U.S.C. § 636(b)(1)(c)). “In this regard, Local Rule of Court 72.3 requires ‘written objections which . . . specifically identify the portions of the proposed findings, recommendations or report to which objection is made and the basis for those objections.’” Id. (citing Shields v. Astrue, Civ. A. No. 07-417, 2008 WL 4186951, at *6 (M.D. Pa. Sept. 8, 2008)).

1. The Report and Recommendation of Magistrate Judge Smyser (Doc. 32) is ADOPTED in its entirety.
2. The claims in the amended complaint, as to all defendants, are DISMISSED, except for the Eighth Amendment claim against defendant Shiptoski
3. The above-captioned case is REMANDED to Magistrate Judge Smyser for further proceedings.

S/ Christopher C. Conner
CHRISTOPHER C. CONNER
United States District Judge